

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE SUBJECT TRANSFER OF PAROLE/PROBATION SUPERVISION	EFFECTIVE DATE 05/01/2005	NUMBER 06.04.135
	SUPERSEDES 06.04.135 (03/03/97)	
	AUTHORITY MCL 791.203; 791.223; 791.223a; 791.231	
	ACA STANDARDS 3-3127	
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POLICY STATEMENT:

Offenders shall be supervised in the community where they reside whenever possible to ensure effective supervision.

POLICY:

DEFINITIONS

- A. Offender – Probationers and parolees.
- B. Receiving Agent - Agent in county where the parolee or probationer is requesting to reside, or resides, who is assigned to investigate the transfer request.
- C. Sending Agent - Supervising agent or agent in sentencing county assigned to process the supervision transfer.
- D. Supervision Area - County, or identified area within a large county, assigned to a specific field office.

GENERAL INFORMATION

- E. This policy only applies to the transfer of supervision within Michigan. All transfers of supervision outside of Michigan shall be in accordance with the interstate compact for the supervision of parolees and probationers.
- F. Effective parole and probation supervision requires personal contact between an agent and the offender to establish a constructive relationship and provide necessary supervision; therefore, an offender is to be supervised in the community in which the offender resides except under the following circumstances:
 - 1. The sentencing court will not allow a probationer's supervision to be transferred to an area outside the jurisdiction of the court. In such cases, the probationer will be supervised in the sentencing county but the probationer is to be classified in accordance with PD 06.04.130 "Supervision of Probationers and Parolees" to a level of supervision that reflects the limited contact and monitoring activities that can be accomplished by an agent not located in the supervision area of the residence.
 - 2. The offender is temporarily residing outside the supervision area for 180 days or less and is not available for active community supervision; e.g., participation in a residential therapeutic treatment program, hospitalization. However, supervision is to be transferred if the offender is expected to reside outside the supervision area for more than 180 days.
 - 3. When the offender is serving a jail sentence.
 - 4. When the offender is within 90 days of his/her discharge date.
- G. A standard condition of parole requires the parolee to obtain prior permission from the supervising agent before changing residence. If a parolee is approved to move to a residence in a different

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supervision area, supervision is to be transferred to the area of residence.

- H. Probationers must receive permission from the sentencing court to move to a residence outside the jurisdiction of the sentencing county; agents are to request the sentencing court to add as a special condition of probation that permission also must be received from the supervising agent. If a probationer is approved to move to a residence outside the jurisdiction of the sentencing court, or already resides outside the jurisdiction of the sentencing court, an agent in the sentencing county shall request permission from the court to transfer supervision outside the sentencing county. In some jurisdictions, permission is automatically granted while in others a specific request and approval process must be followed.
- I. Each region shall publish, distribute and update as necessary a directory identifying each field office and agent within each supervision area to serve as a reference for any transfer requests.

TRANSFER INVESTIGATION AND APPROVAL

- J. Whenever possible, a transfer investigation and acceptance shall be completed prior to an offender's physical relocation to a new residence. If the offender's presence within the confines of the residence is being electronically monitored, the offender shall not be permitted to change residence and supervision shall not be transferred before the transfer investigation has been completed and supervision has been accepted by the receiving agent. If the transfer is approved, the sending and receiving agents shall make all transfer arrangements by telephone to ensure that there is not a break in the electronic monitoring of the offender.
- K. The sending agent is responsible for promptly initiating the transfer process. Within five business days after receiving notice that an offender under his/her supervision wants to change his/her residence to outside the current supervision area, the sending agent shall request that a transfer investigation be conducted unless, in the case of a probationer, the sentencing court has denied the change in residence or supervision transfer. If an offender changes residence without first obtaining required approval, the sending agent shall request that a transfer investigation be conducted within five business days after the agent received notice of the move unless violation proceedings will be initiated or the sentencing court has denied the supervision transfer. In Regions II and III, the transfer request shall be sent to the field office assigned to the county of the new residence. In Region I, the transfer request shall be sent to the office assigned to the zip code of the proposed residence.
- L. The receiving agent shall complete the investigation within ten business days after receipt of the request and notify the sending agent in writing whether the transfer request has been approved. If the receiving agent is unable to complete the investigation within ten business days, s/he shall notify the sending agent in writing why the investigation has not been completed and when it will be completed. If the sending agent is not contacted by the receiving agent within 15 business days after the initial request was made, the sending agent shall contact the proposed new supervision area by telephone to determine the status of the investigation. If a completed transfer investigation is not received by the sending agent within 30 calendar days after the initial request was made, the sending agent shall refer the case to his/her immediate supervisor for intervention with the proposed receiving supervision area. If a completed transfer investigation is not received by the sending agent within 45 calendar days after the initial request was made, the case shall be referred to the appropriate Area Manager for prompt resolution.
- M. The receiving agent shall approve transfer requests unless the investigation reveals factors which may be cause for a parole or probation violation, contribute to new criminal behavior or impede the Department's ability to effectively supervise the offender. Factors that may be considered include the general character of the neighborhood, physical aspects of the home environment, attitudes of the occupants towards the offender, willingness of the occupants to cooperate with the field agent, ability of the occupants to monetarily support the offender, criminal history of the occupants, any substance abuse by the occupants and the presence of any weapons.

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- N. Responsibility for supervision remains with the sending agent until the receiving agent approves the transfer request and accepts supervision. Once supervision is accepted, the receiving agent shall provide the level of supervision necessary to ensure that the offender complies with his/her conditions of parole or probation and, for probationers, shall provide reports to the sentencing court as required.
- O. The sending agent shall notify the offender of the transfer decision and, if approved, of any reporting instructions.

OPERATING PROCEDURES

- P. The Deputy Director of Field Operations Administration (FOA) shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed. Facility procedures shall not conflict with procedures issued by the Director or Deputy Director.

AUDIT ELEMENTS

- Q. A Primary Audit Elements List has been developed and will be provided to FOA Regional Administrators to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

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